

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(609) 989-0508

CHAMBERS OF
PETER G. SHERIDAN
JUDGE

Clarkson Fisher Building and
U.S. Courthouse
402 East State Street
Trenton, NJ 08608

TO: All Counsel of Record

FROM: Peter G. Sheridan, U.S.D.J.

DATE: September 19, 2012

RE: PPL ENERGYPLUS, LLC et al v. SOLOMON et al
Civil Action No. 11-745(PGS)

I have some questions about the exhibits submitted:

With regard to *PJM Interconnection, L.L.C. PJM Power Providers Group v. PJM Interconnection, L.L.C.*, 2011 Westlaw 5893596 (FERC), please explain:

1. The acronym IMM and EPSA as stated within paragraphs 180 and 183.
2. In paragraph 184, EPSA states that “the recent New Jersey LCAPP auction process . . . would not qualify as an open non-discriminatory competitive procurement process.” Please explain that statement.
3. Please explain what Commissioner Moeller meant when he stated that the LCAPP bill “would crater the capacity market” and give the citation for your answer. (paragraph 151).

At oral argument (T. 45, 11-24), Mr. Kleinman indicated that the LCAPP law was deemed just and reasonable by FERC. Please identify the source or cite where that occurred (and provide a copy). If I am misinterpreting Mr. Kleinman’s comment, please explain in a brief paragraph.

Kindly provide your responses in no more than four pages (double spaced) by Friday, September 21, 2012. I request that plaintiffs and defendants each submit one response.

